

In the Court of Vacation Sessions Judge, Kanniyakumari District at Nagercoil.

Present : Thiru B. Karthikeyan, B.L.,
Vacation Sessions Judge/Principal Sessions Judge,
Kanniyakumari at Nagercoil.

Thursday, the 16th day of May, 2024.

CrI.M.P. No. 132/2024

(CNR.No.TNKK0V-000225-2024)

1. Asokan S/o. Sundaresan Nair (A1)
2. Sri Hari S/o. Harikumar (A2) .. Petitioners

/Vs./

Sub Inspector of Police,
Arumanai Police Station,
Crime No.109/2024 of Arumanai Police Station,
Rep. by Public Prosecutor, Nagercoil. .. Respondent

This petition is filed by Advocate Thiru S. Senthilkumar, u/s 438 Cr.P.C.,
praying to grant anticipatory bail to the petitioners.

ORDER

Heard both side. Perused the petition.

The petitioners/accused alleged to have been committed the offence u/s
294(b), 323, 324 and 506(ii) of IPC.

The case of the prosecution is that the accused persons used filthy
language against the defacto complainant and assaulted and criminally intimidated
him. Hence the charge.

The learned counsel for the petitioners submitted that the victim and A1
are friends and there was a problem between them regarding money issues and they

went to the defacto complainant's house to ask for return of money, he gave false complaint against the petitioners and they have been falsely implicated in this case with a view to wreak vengeance and the accused had not indulged in or is not associated in any of the act as alleged in the complaint and the petitioners have not been involved in any other occurrence till date and the petitioners are innocent and the injured was discharged from the hospital and the petitioner are ready to abide by any condition and prayed for anticipatory bail to the petitioners.

The learned Public Prosecutor opposed the application and submitted that on 23.04.2024, the petitioners trespassed into the house of the defacto complainant and searching him and again on 03.05.2024, the petitioners went to the house of the defacto complainant and the 1st accused inflicted cut injury on the head and hands of the defacto complainant and A2 also assaulted him with hand and the injured was discharged from the hospital and this is the 2nd occurrence and in the event of considering this application, stringent condition may be imposed.

Considered the objection of the learned Public Prosecutor. Considering the nature of the offences alleged to have been committed by the petitioners/accused and also considering the fact that the injured was discharged from the hospital, this court is inclined to grant anticipatory bail to the petitioners/accused with conditions.

In the result, in the event of arrest or on their appearing before the court concerned the petitioners are ordered to be enlarged on anticipatory bail on their executing a bond for a sum of Rs.10,000/- with two sureties each for a likesum to the satisfaction of Judicial Magistrate No.I, Kuzhithurai subject to the following conditions :-

1. The petitioners shall appear before the court concerned within 15 days from today without fail.
2. After release, the petitioners shall appear and sign before the Judicial Magistrate No.I, Tirunelveli daily twice at 10.30 A.M. and 5.00 P.M. until further orders.
3. The petitioners shall also make themselves available before the respondent as and when required.
4. The petitioners shall not tamper with the witnesses or in any manner interfere with or put obstacle to the smooth progress of investigation.
5. The petitioners shall not leave the jurisdictional police limit without prior permission.

If there is any violation of condition, the Investigation Officer is with in his discretion to approach the court of the learned Judicial Magistrate for cancellation of bail even though bail granted by the Sessions Court as per the ruling of the Hon'ble Supreme Court reported in **P.K.Shaji /Vs./ State of Kerala, (2005) AIR S.C.W. 5560.**

Pronounced by me in open court this the 16th day of May, 2024.

Vacation Sessions Judge.

To
The Judicial Magistrate No.I, Kuzhithurai. (through e-mode)
The Judicial Magistrate No.I, Tirunelveli.
The Sub Inspector of Police, Arumanai Police Station.
(through court cell e-mode)
The counsel for the petitioners.